

# Court of Appeals, State of Michigan

## ORDER

People of MI v John Michael Duke

Docket No. 282750

LC No. 05-001234-FC

Stephen L. Borrello  
Presiding Judge

William C. Whitbeck

Alton T. Davis  
Judges

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The Court orders that the application for leave to appeal is GRANTED. A review of the register of actions shows that defendant could still file a timely claim of appeal if appellate counsel returns to the circuit court and obtains an order denying the timely filed motion for new trial. Even though the trial court orally denied the motion on the record, no order was ever entered. Pursuant to MCR 7.204(A)(2)(d), the time period to file a claim of appeal starts with entry of the order. However, instead of requiring the defendant to file a fourth appeal, this application is granted, and the trial court is directed to enter an order denying the motion for new trial. In docket numbers 276724 and 278416, the motion for new trial was not an issue.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 5 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk